

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4037 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE R.BALIA.

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SHREE JANGI SEVA SAHAKARI MANDLI LTD

Versus

STATE OF GUJARAT

Appearance:

MR YS MANKAD for Petitioner
SERVED BY DS for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE R.BALIA.

Date of decision: 20/08/96

ORAL JUDGEMENT

Rule. Service of rule is waived.

Reading of the appellate order made by the State Government on 31st May,1996 which is being challenged before this Court in this petition, it is apparent that no reasons had been given in support of its decision to

reject the Revision. The Revision Authority was bound to provide the connecting link between the issues raised before it and decision reached thereon by providing reasons for such decision to make it a speaking order. That is the minimum requirement which would go to show that a fair procedure has been adopted and a just decision has been reached while deciding any issue. The order must speak for itself, that is to say, it should disclose reasons for which the order has been made. Thus, the appellate authority having not assigned the reasons in support of its order, this alone, is sufficient to vitiate the order and the order deserves to be quashed.

Therefore, without going into the merits of the other submissions, this petition is allowed. The impugned order dated 31st May, 1996 produced at Annexure "E" to the petition is quashed and the State Government is directed to decide the Revision of the petitioner afresh in accordance with law within two months from today.

(R.Balia,J.)

sf-rb.